

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

JANELLE HEPPEES,

Case No. 23-CV-1979 (PJS/DLM)

Plaintiff,

v.

ORDER

3M COMPANY,

Defendant.

Francis H. White, III, FRANCIS WHITE LAW PLLC; Lexis Anderson and Robert E. Barnes, ROBERT BARNES, LLP, for plaintiff.

Nathan T. Boone and Patrick R. Martin, OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C., for defendant.

Plaintiff Janelle Heppes filed this lawsuit on May 30, 2023, in Minnesota state court, alleging employment discrimination in violation of state and federal law. ECF No. 2-1. On June 27, 2023, defendant 3M Company (3M) filed a timely notice of removal in this Court. ECF No. 2. Plaintiff's counsel filed their appearances in this Court the next day. ECF No. 3. 3M answered the complaint on July 5, 2023, ECF No. 6, and then moved for judgment on the pleadings on November 6, 2023. ECF No. 14.

After a motion for judgment on the pleadings is filed, the Local Rules of this Court require the plaintiff to file and serve a responsive memorandum within 21 days. D. Minn. LR 7.1(c)(2). "If a party fails to timely file and serve a memorandum of law, the court may" cancel the hearing or "take any other action the court considers

appropriate.” D. Minn. LR 7.1(g). Here, plaintiff’s responsive memorandum was due no later than November 27, 2023. As of today (December 14), plaintiff has filed neither a memorandum of law nor a request for an extension of time. In fact, in the five and a half months since this case was removed to federal court, plaintiff has done nothing but register appearances of counsel.

For these reasons, the Court cancels the hearing scheduled for December 18, 2023, and dismisses plaintiff’s complaint without prejudice for failure to prosecute. *See Henderson v. Renaissance Grand Hotel*, 267 F. App’x 496, 497 (8th Cir. 2008) (“A district court has discretion to dismiss an action under Rule 41(b) for a plaintiff’s failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order.”).

ORDER

Based on the foregoing, and on all of the files, records, and proceedings herein, IT IS HEREBY ORDERED THAT:

1. The hearing on the motion for judgment on the pleadings [ECF No. 15] is CANCELLED.
2. The complaint [ECF No. 2-1] is DISMISSED WITHOUT PREJUDICE on account of plaintiff’s failure to prosecute.
3. The motion for judgment on the pleadings [ECF No. 14] is DENIED AS MOOT.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: December 14, 2023

s/Patrick J. Schiltz

Patrick J. Schiltz, Chief Judge
United States District Court